

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GERRY RENEE POTTS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:21-cv-00625-CDB (SS)

ORDER ON STIPULATION EXTENDING
NUNC PRO TUNC THE COMMISSIONER'S
TIME TO FILE A RESPONSE TO
PLAINTIFF'S MOTION TO ALTER AND
AMEND JUDGMENT

(Doc. 29)

Pending before the Court is the Commissioner's stipulated request to extend his deadline to file a response to Plaintiff's motion to alter and amend judgment under Fed. R. Civ. P. 59(e). (Doc. 29). Counsel for the Commissioner represents that was unable to begin evaluating Plaintiff's motion upon its filing due to a preplanned absence. Counsel for the Commissioner further represents that Rule 59(e) motions are subject to specialized review by the Office of the General Counsel and that Plaintiff's motion addresses a novel legal issue which requires additional consideration.

The Commissioner's request for extension was filed on the deadline to file any opposition to Plaintiff's pending Rule 59(e) motion. Stipulated requests for extensions of filing deadlines are governed by this Court's Local Rule 144(d), which provides:

1 Counsel shall seek to obtain a necessary extension from the Court or from other
2 counsel or parties in an action as soon as the need for an extension becomes
3 apparent. Requests for Court-approved extensions brought on the required filing
4 date for the pleading or other document are looked upon with disfavor.

5 Consistent with Local Rule 144(d), Counsel for the Commissioner should have sought the
6 requested extension when the need for it reasonably became apparent and not on the terminal date
7 for filing any opposition to Plaintiff's motion. The Court admonishes Counsel to better heed this
8 Court's Local Rules in all future filings.

9 For good cause shown by the Commissioner's stipulated representations, it is HEREBY
10 ORDERED, the deadline by which Commissioner shall file his response to Plaintiff's Rule 59(e)
11 motion shall be extended *nunc pro tunc* to **July 8, 2024**.

12 IT IS SO ORDERED.

13 Dated: **June 25, 2024**

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UNITED STATES MAGISTRATE JUDGE